

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7,547,700	)	
	)	
Bernard Vacher et al.	)	Group Art Unit: 1625
	)	
Issued: June 16, 2009	)	Examiner: David K. O'Dell
	)	
Application No.: 10/518,394	)	Confirmation No.: 8214
	)	
For: NOVEL ARYL-[4-HALO-4	)	
(HETEROARYLMETHYLAMINO)-	)	
METHYL]-PIPERIDIN-1-YL]-	)	
METHANONE DERIVATIVES,	)	
METHODS FOR PRODUCTION AND	)	
USE THEREOF AS MEDICAMENTS	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT-POST GRANT**

In accordance with 37 C.F.R. § 1.705(b), and pursuant to the Federal District Court for the District of Columbia's decision in *Wyeth v. Dudas* on September 20, 2008, Applicant hereby requests reconsideration of the patent term adjustment under 35 U.S.C. § 154(b) for the above-identified patent. This application is being filed within two months of issuance of the above-identified patent on June 16, 2009, as required by 37 C.F.R. § 1.705(d).

**I. Statement of the Facts Involved**

**A. Correct Patent Term Adjustment**

According to the information printed on the face of the above-identified issued patent, this patent is entitled to 430 days of patent term adjustment.

Applicant has calculated a patent term adjustment of 977 days based on the following facts:

The Application was filed December 17, 2004.

The first Office Action on the merits was dated September 19, 2007, creating a U.S. Patent and Trademark Office (PTO) **delay of 579 days**.

A Response to the September 19, 2007 Office Action was filed February 19, 2008, creating an **Applicant delay of 62 days**.

A non-final Office Action was dated May 30, 2008.

A Response to the May 30, 2008 Office Action was filed November 25, 2008, creating an **Applicant delay of 87 days**.

The Application was allowed on February 9, 2009.

The issue fee was paid May 8, 2009.

The patent issued on June 16, 2009.

The three year pendency date for determination of patent term adjustment is December 17, 2007, creating an additional **PTO delay of 547 days**.

Thus, the total adjustment based on PTO delay is 1126 (579+547) days and the reduction in term adjustment is 149 (62+87) days, resulting in a patent term adjustment of 977 (1126-149) days. Applicant respectfully requests that the current patent term adjustment be reconsidered.

#### **B. Terminal Disclaimer**

The above-identified application is not subject to a Terminal Disclaimer.

**C. Reasonable Efforts**

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.

**II. Fee**

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by the required fee of \$200.00. Please charge any deficiencies to Deposit Account 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 30, 2009

By: 

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